

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JORGE TRUJILLO,

Plaintiff

Case No. 2:20-cv-01643-GMN-VCF

ORDER

v.

H. LANDSMAN et al.,

Defendants

I. DISCUSSION

Plaintiff has filed an objection to the Court's screening order (ECF No. 6) and a motion to exclude case from mediation (ECF No. 7).

The Court interprets Plaintiff's objection as a motion for reconsideration. Although difficult to decipher, it appears that Plaintiff's motion for reconsideration is based on this Court's dismissal without prejudice against Defendant Hutchings. (ECF No. 6 at 2). The Court dismissed Defendant Hutchings without prejudice because there were no allegations against him in the complaint. (ECF No. 4 at 6).

A motion to reconsider must set forth "some valid reason why the court should reconsider its prior decision" and set "forth facts or law of a strongly convincing nature to persuade the court to reverse its prior decision." *Frasure v. United States*, 256 F.Supp.2d 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *Sch. Dist. No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "A motion for reconsideration is not an avenue to re-litigate the same issues and arguments upon which the court already has ruled." *Brown v. Kinross Gold, U.S.A.*, 378 F.Supp.2d 1280, 1288 (D. Nev. 2005).

The Court denies Plaintiff's motion for reconsideration (ECF No. 6). The Court has reviewed Plaintiff's complaint (ECF No. 5) and once again finds no allegations against

1 Defendant Hutchings. As such, the Court did not commit clear error and the initial
2 decision was not manifestly unjust.

3 Additionally, the Court denies Plaintiff's motion to exclude the case from mediation
4 (ECF No. 7).

5 **II. CONCLUSION**

6 It is ordered that the objection (ECF No. 6) is construed as a motion for
7 reconsideration and denied.

8 It is further ordered that the motion to exclude case from mediation (ECF No. 7) is
9 denied.

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11 DATED THIS 9 day of August 2021.

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15 Gloria M. Navarro, Judge
16 United States District Court
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